

Exhibit A – Plaintiff's Summons & Complaint

Approved, SCAO

Original - Court
1st Copy - Defendant2nd Copy - Plaintiff
3rd Copy - ReturnSTATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

SUMMONS

CASE NO.
21-000852-NI
Hon. Leslie Kim Smith

Court address : 2 Woodward Ave., Detroit MI 48226

Court telephone no.: 313-224-2427

Plaintiff's name(s), address(es), and telephone no(s)
Moore, John

v

Defendant's name(s), address(es), and telephone no(s).
Home Depot U.S.A., Inc.

Plaintiff's attorney, bar no., address, and telephone no

Iris E. Rubin 35065
31396 Northwestern Hwy Ste D
Farmington Hills, MI 48334-2534**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court,

where it was given case number _____ and assigned to Judge _____.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date
1/20/2021Expiration date*
4/21/2021Court clerk
Angila Mayfield

Cathy M. Garrett- Wayne County Clerk.

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



SUMMONSCase No. : **21-000852-NI****PROOF OF SERVICE**

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE****OR**☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

☐ I served personally a copy of the summons and complaint.

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled \$	Fee \$	
Incorrect address fee \$	Miles traveled \$	Fee \$	Total fee \$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

_____ on _____
Day, date, time

_____ on behalf of _____

Signature

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

JOHN MOORE,

Plaintiff,

Case No: 2021- -NI

v

HOME DEPOT U.S.A., INC.,

Defendant.

RUBIN & RUBIN, P.L.L.C.

IRIS E. RUBIN (P35065)

Attorney for Plaintiff

31396 Northwestern Highway

Farmington Hills, MI 48334

(248) 865-0022

(248) 865-7265 – Fax

irubin@rubinandrubinpllc.com

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a Judge in this Court.

COMPLAINT

NOW COMES the Plaintiff, **JOHN MOORE**, by and through counsel, **IRIS E. RUBIN** and **RUBIN & RUBIN, P.L.L.C.**, and for his Complaint against the Defendant herein, states as follows:

1. That at all times relevant hereto, the Plaintiff, **JOHN MOORE**, is a resident of the City of Detroit, County of Wayne, State of Michigan.

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2. That Defendant, HOME DEPOT U.S.A., INC., is a FOREIGN PROFIT CORPORATION, conducting business in the City of Taylor, County of Wayne, State of Michigan.

3. That the amount in controversy is in excess of Twenty-Five Thousand (\$25,000.00) Dollars exclusive of costs, interest and attorney fees and jurisdiction and venue are proper in this court.

4. That upon information and belief the Defendant was then and there the owner of the trailer stated above and, in particular, but not by way of limitation, exercised control over the trailer at the aforementioned address.

5. That on or about August 22, 2020, after renting a C.P. MINI Dump Trailer from Defendant, Plaintiff sustained injuries when the back tire/wheel disconnected from the trailer while he was driving on the Freeway. Plaintiff suffered injuries including, but not limited to, his lower back.

6. That the Defendant owed to the Plaintiff certain duties including, but not limited to:

- a) the duty to maintain the trailer in a reasonably safe condition; and
- b) the duty to inspect the trailer so as to ascertain the actual condition thereof; and
- c) the duty to warn business invitees of latent dangers, of which it knew or should have known; and
- d) the duty to protect Plaintiff from dangers which were foreseeable from the particular arrangement or use of the trailer.

7. That the Defendant, by its agents, servants, and employees, was then and there guilty of one or more of the following negligent acts and/or omissions including, but not limited to:

- a) Failing to maintain the trailer in a reasonably safe condition;

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- b) Failing to discover and/or to inform those required to be in the area as business invitees, and Plaintiff in particular, of the latent and/or patent dangerous conditions then and there existing on the trailer;
- c) Failing to correct these latent and patent conditions which Defendant knew and/or, in the exercise of reasonable care, should have known of a reasonable risk of injury to an operator, Plaintiff in particular;
- d) Failing to perform the duty to protect an operator, in particular the Plaintiff, from dangers which are foreseeable from the particular arrangement or use of the trailer; and
- e) Failing to keep the trailer in a reasonably safe condition.

8. That as a direct and proximate result of the negligence of the Defendant herein, Plaintiff suffered great physical pain and mental anguish and that he has sustained serious and significant injury including, but not limited to injury to his lower back, due to his body being thrown about the vehicle and due to his frantic attempts to get his vehicle off the freeway without being hit by oncoming traffic and/or crashing into the concrete freeway wall thus causing Plaintiff to suffer and will continue to suffer a serious impairment of his lower back.

9. That as a direct and proximate result of the negligence of the Defendant herein, Plaintiff has become liable for and required to expend large sums of money for medical care and treatment and will be required to do so in the future.

10. That as a direct and proximate result of the negligence of the Defendant herein, Plaintiff's suffering includes, but is not limited to, significant pain and suffering, potential loss of earning capacity, significant future medical expenses, significant and permanent emotional distress, among other matters.

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WHEREFORE, Plaintiff prays for Judgment against Defendant, HOME DEPOT U.S.A., INC., a FOREIGN PROFIT CORPORATION in whatever amount in excess of **TWENTY-FIVE THOUSAND (\$25,000) DOLLARS** that he may be entitled to, together with interest, costs and attorney fees.

Respectfully submitted,

RUBIN & RUBIN, P.L.L.C.

By: /s/ Iris E Rubin

IRIS E. RUBIN (P35065)
Attorneys for Plaintiff
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Farmington Hills, MI 48334
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irubin@rubinandrubinpllc.com

Dated: January 20, 2021

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